



EMHRN Position on Refugees from Syria

June 2014

Overview of the situation

There are currently over 2.8 million Syrian refugees from the conflict in Syria (UNHCR total as of June 2014: 2,867,541) – amounting to approximately 12% of the total Syrian population – with an additional 6.5 million internally displaced within the country. Around 97% of all Syrian refugees are located in the surrounding countries of the region – 1,100,486 in Lebanon, 597,328 in Jordan, 783,163 in Turkey, 225,409 in Iraq, and 137,788 in Egypt. There are 23,367 Syrian refugees registered with UNHCR in North Africa, though actual numbers are estimated to be considerably higher. More than half of registered refugees are children, and three quarters are living with local host families and communities.

In addition to Syrian refugees, there are almost 67,000 Palestinian refugees from Syria (PRS) registered with UNRWA in Lebanon (53,070) and Jordan (13,836), and reports of 6,000 PRS in Egypt, 1,100 in Libya, 1,000 in Gaza. In addition, 270,000 Palestinian refugees are internally displaced in Syria.

Funding for a humanitarian crisis

The prolongation of the conflict in Syria and mass exodus of refugees has created what is now considered one of the worst humanitarian crises in modern history. In December 2013, the UN launched an appeal for 6.5 billion USD for its regional Syrian response - its largest ever appeal for a single humanitarian emergency. Of these, 4.2 billion are earmarked for UNHCR operations for refugees from Syria¹ in the region. Until now, only 27% of UNHCR's total appeal for its Regional Response has been met. Aid providers are struggling to meet basic needs in terms of clean water, shelter, medical aid and school care, and the strain on host communities has become a source of instability. As health systems break down within Syria, diseases such as Hepatitis and Typhoid have become increasingly common – adding to the concerns of the host countries.

The EMHRN welcomes the pledge by international donors of 2.4 billion dollars to support humanitarian efforts assisting those affected by the Syrian crisis, including the EU's pledge of €165 million in 2014.

It calls on the EU, its member states and other international actors to:

- Continue providing financial aid to ease the difficulties faced by neighbouring states, who are hosting almost the entirety of refugees from Syria and work towards meeting the UN's 4.2 billion dollar appeal to assist refugees from Syria and host communities in the region. Support must be given both to humanitarian efforts targeting refugees but also to host communities who are under extreme pressure.

¹ In this paper, "refugees from Syria" refers to all refugees fleeing Syria regardless of their nationality or citizenship.

Access to protection in the European Union

Europe currently hosts approximately 81,000 refugees from Syria. However, access to the EU for the vast majority has been extremely difficult. While approximately 10,000 refugees from Syria reached Italian shores by crossing the Mediterranean in 2013, the route by sea is extremely dangerous; in October 2013 alone an estimated 650 migrants and refugees died in three different boat incidents attempting to cross. Alongside this, there have been reports of push-backs of Syrian and other refugees at EU borders: Amnesty International and Pro-Asyl have both published reports which found systemic – and often violent – pushbacks at the Greek-Turkish land border; refugees from Syria were among those systematically pushed-back. EMHRN, along with Migreurop and FIDH, has also published a report following a mission to the Greek-Turkish border with further evidence of these push-backs. A recent Human Rights Watch Report also found regular pushbacks by Bulgarian authorities at the country's border with Turkey. Alongside this, 11 European states have imposed transit visas for Syrians, which, coupled with the closure of all embassies in Syria, has made it nearly impossible for Syrians to enter Europe legally.

European member states have, moreover, shamefully resisted calls to host larger numbers of refugees from Syria. As of June 2014, the total number of pledges for resettlement and humanitarian admission stood at 33,972 (the majority being from European countries), as well as an open-ended number to the United States. This number, however, barely represents 1% of the total number of refugees from Syria. Germany has been at the forefront in Europe, recently increasing its quota to 20,000 humanitarian admissions and 5,500 individual sponsorships, followed by Austria and Sweden who have offered 1,500 and 1,200 resettlement places respectively. Countries such as the United Kingdom and France have, despite their resources, each accepted to resettling up to 500 (the UK under its own resettlement scheme, in the framework of which, however, it has only relocated 24 refugees as of June 2014).

UNHCR asked countries to admit 30,000 refugees from Syria on resettlement, on humanitarian admission or other programmes by the end of 2014, with a focus on providing protection to the most vulnerable. However, 30,000 remains a marginal number in comparison to the numbers hosted in neighbouring countries such as Lebanon and Jordan. In light of the deteriorating situation in the region and strain felt by neighbouring countries, UNHCR has also asked states to make multi-annual commitments so as to provide resettlement and other forms of admission for an additional 100,000 refugees from Syria in 2015 and 2016. These numbers should be in addition to current resettlement quotas and not come at the expense of other refugees in need of resettlement. In France the Minister of Interior has admitted that part of the 500 refugees from Syria which the country has committed to receive will be done via the country's pre-existing annual resettlement programme, and resettlement to Ireland for Syrians has also been under its pre-existing resettlement programme, effectively decreasing resettlement possibilities for other vulnerable refugees.

The EU and its member states must facilitate legal ways for refugees from Syria to access to EU territory. This access must be facilitated to ensure that they receive the protection to which they are entitled and also to avoid further deaths of refugees from Syria attempting to reach EU territory via dangerous maritime and land routes. The lack of access to the EU is all the more concerning in light of the increased discrimination and hostility felt by refugees from Syria in the major hosting countries.

The EMHRN calls upon EU and its member states to:

1. Increase significantly the number of humanitarian admissions or resettlement places open for refugees from Syria. Financial and humanitarian aid targeting refugees in the major host countries in the Middle East should not be considered a substitute form of support for those suffering from the conflict in Syria;
2. Facilitate family reunification procedures for refugees from Syria with family members already based in Europe;
3. Facilitate visa procedures for refugees from Syria allowing them to travel to the visa-issuing country and apply for asylum upon arrival;
4. Facilitate alternative access routes to Europe, for example via increased funding for university programmes and other initiatives targeting refugees from Syria;
5. Refrain from pushing back any refugee reaching EU territory via land or sea, as this would constitute *refoulement*, a violation of International Law and member states' obligations under the 1951 Convention relating to the status of refugees;
6. Swiftly proceed to fulfilling commitments with regards to filling resettlement places which have been pledged by countries, and ensure that all resettlement of refugees from Syria is in addition to pre-existing national quotas.

Shared responsibility within the EU

For those refugees from Syria who have managed to enter Europe, conditions vary significantly from one country to another. Sweden was the first to announce in September 2013 that it would offer permanent residency status to all Syrian refugees in Sweden, entitling them also to family reunification. The United Kingdom and Denmark have recognised the majority of refugees from Syria who have applied for asylum, while other countries, such as Germany and Croatia have provided subsidiary protection to Syrian refugees on their territory.

In stark contrast however, other European countries have had a much more problematic approach to managing the inflow of refugees from Syria. In Bulgaria there have been prosecutions for irregular entry into the country, despite the fact that the 1951 Convention relating to the status of refugees reaffirms that no refugee should be penalised for irregular entry into a territory. In Greece, the breakdown of the asylum system in 2012 initially resulted in no positive decisions: of the 275 applications submitted, 150 were rejected while the others had not been processed until the reform of the asylum system in June 2013. Furthermore, several NGOs working in Greece, Bulgaria and Cyprus have denounced the systematic detention of asylum seekers in inhuman conditions and the grave consequences on their mental and physical health. These violations of human rights are part of the causes discouraging those reaching countries at the eastern border of the EU from asking asylum, fearing *refoulement* or detention while their claim is being assessed. While Dublin III has introduced additional safeguards for asylum seekers (including the right to appeal), as well as the prohibition to transfer asylum seekers to countries where asylum systems have collapsed (currently, Greece), the inconsistencies between different countries' asylum practices means that persons fleeing from the war in Syria are facing a protection lottery, depending on which country they reach first.

Under EU law, temporary protection in case of mass influx can be given to refugees from a warzone if agreed upon by EU ministers. This would also provide refugees with a residence permit, permission to work,

access to accommodation and medical treatment. So far the EU has never applied this mechanism, but it would decrease the immediate difficulties currently felt on states facing the largest influxes while also ensuring that refugees from Syria do not find themselves in detention, or “reception” centres – currently common practice in several Mediterranean countries. However, temporary protection should not be implemented in a way that would allow for any curtailment of the right to seek asylum or in a way that would negatively impact the asylum procedure for individual refugees.

The EMRHN calls upon the EU and its Member States to:

- Swiftly assess asylum claims for all refugees fleeing Syria; in light of the pressure on certain countries’ asylum systems, consider implementing the EU Temporary Protection Directive to allow refugees from Syria to benefit from temporary protection and the rights associated with it (residence permit, work authorisation, access to accommodation and medical treatment and education for those under 18 (under the same conditions as nationals)) while their asylum request is being assessed; *this temporary protection should not impact the asylum procedure in any way and should be provided as an additional status.*
- Refrain from applying the Dublin III Regulation in cases where the first country of entry is already facing difficulties accommodating refugees from Syria and cannot guarantee basic minimum standards for their protection and accommodation;
- Ensure that refugees from Syria are provided the same rights regardless of which is their first EU country of entry;
- Encourage and implement relocation programmes for refugees from Syria who are currently in EU states unable to cope with refugee numbers, allowing them to be relocated to another EU state;
- Allow those refugees from Syria with relatives in another EU country to relocate to these countries, especially if their relatives are prepared to support them.

Protection concerns in neighbouring countries

There are several protection concerns with regards to refugees from Syria in the region. Jordan, Turkey, and Lebanon have all attempted to limit the number of refugees crossing their borders due to the large influxes – while borders have not officially been closed, limiting the number of refugees crossing per days has meant that thousands have remained stranded for days before being offered entry and protection. There have been several reports of groups of single men – also often including Palestinians and Iraqis – being impeded from entering Jordan to reach safety.

While Turkey and Jordan have both put in place massive camps to accommodate a part of their Syrian refugee population, the majority of the refugees in the region live outside of the camps in extremely vulnerable conditions. Due to the lack of economic opportunities, there have been noticeable increases of Syrians begging in the streets, as well as an increased fear amongst host populations of increased crime rates. Lebanon has been most hard hit by the conflict, and is struggling to cope with the massive influx of Syrian refugees, who now constitute more than 22% of its population. This influx has put a major strain on the country’s housing, health services and schools, and exacerbated tensions with the host community. An

increasing number of Lebanese towns have imposed curfews on refugees from Syria for “security” reasons, while one municipality has revoked the IDs of refugees until they pay a 100 USD tax.

In Egypt, entry requirements for Syrians (visa prior to travelling as well as security clearance) were introduced in July 2013 following the rise in anti-Syrian popular sentiment after the removal of President Morsi from power. Abuses, arbitrary arrests, detention and deportations peaked in August and September 2013; refugees from Syria who attempt to leave the country irregularly by boat continue to be arrested and detained, and some continue to receive deportation orders (to unspecified locations).

While in North Africa Syrian refugees have been “tolerated”, they live in precarious conditions. Access to these countries is increasingly limited: Libya allows visa-free travel but has closed its land border with Egypt for all non-Libyans; Algeria explicitly took measures to slow the arrival of Syrian refugees, including a reduction in flights between the two countries and the introduction of a new measure by which Syrians can only enter the country if they present a certificate of accommodation; while in Morocco Syrian nationals are obliged to have a visa to enter the country, which means that those who have entered irregularly – the vast majority – are in a legal limbo. Syrians have also found themselves at the centre of a diplomatic battle between Morocco and Algeria on more than one occasion. Recently, two Syrian families, including four children, were stranded in a “no-man’s land” between the Moroccan and Algerian border with neither shelter, food, nor medical assistance for over three weeks, with neither country willing to grant them entry. The precariousness of refugees from Syria is exacerbated by the fact that only a small fraction of them are registered with UNHCR throughout this region.

Women and young girls constitute an extremely vulnerable group amongst Syrian refugees. There has been a rise of girls under 16 – sometimes as young as 9 – getting married, often to older men. This has become increasingly common as families are struggling to make ends meet: early marriage is seen as a way of preserving the girl’s honour and protecting her against sexual violence, while decreasing the economic “burden” on the family. In reality, however, young girls are at risk of sexual exploitation and abandonment by these men to whom they have been married, with their families unable to offer them necessary safety or support.

In addition to the protection concerns faced by Syrian refugees generally, particularly vulnerable are **Palestinian refugees fleeing Syria** (an estimated 80,000 of whom have fled to Lebanon). Palestinian refugees fall under the mandate of UNRWA in countries where the Agency operates (so-called ‘host’ countries) - Jordan, Lebanon, and Syria, as well as West Bank and Gaza. The Agency, already struggling to provide services to Lebanon’s long-standing Palestinian refugee population, is struggling to cope with the huge need for assistance by Palestinian refugees both inside (540,000) and outside Syria. Palestinian refugees who are located outside these countries officially fall under UNHCR’s jurisdiction under Article 1D of the 1951 Convention relating to the Status of Refugees. However, in some countries in the region, such as Egypt, Palestinians have always been ‘regulated’ by the Ministry of Foreign Affairs and the government has resisted UNHCR’s involvement with the Palestinian community.

Palestinian refugees have found themselves in a limbo within the Syrian crisis: according to HRW and other reports, Jordan has push-backed Palestinian refugees at the border while Palestinians are also currently

denied entry into Egypt. Lebanon has, since the beginning of August, denied entry to groups of Palestinians and has also attempted to deport some of them back to Syria.

The EMHRN calls upon states in the Middle East and North Africa to:

- Maintain their borders open and facilitate visas or and remove other obstacles which impede or limit access for refugees from Syria fleeing the conflict;
- Abstain from arbitrarily detaining or deporting refugees from Syria, including for attempted irregular exit from the territory;
- Collaborate closely with UNHCR and other international organisations to enhance the protection provided to, and conditions of, refugees from Syria on their territory;
- Recognize and correctly apply Article 1D of the 1951 Geneva Convention, which stipulates that Palestinians fleeing to countries that are not 'host' countries under UNRWA fall under UNHCR's mandate.

In light of the difficult conditions for refugees from Syria in neighbouring countries in the region, as well as the immense financial and demographic pressures felt by hosting communities, the EMHRN calls on the EU to:

- Impose a moratorium on all returns of refugees from Syria to the region;
- Emphasise the need for Palestinian refugees from Syria to be granted the same rights as non-Palestinian Syrian refugees and observe their right under Article 1D;
- Call upon states in the region to implement the above recommendations with regards to the treatment of refugees from Syria on their territory.

“Forgotten” refugees

While the European Union and other members of the international community must live up to their responsibilities with regards to the 2,8 million Syrian refugees displaced by the conflict – in addition to the even greater numbers who are internally displaced – it is crucial to ensure that other refugee populations in the region are not neglected.

Over half a million refugees and asylum seekers are registered with UNHCR in the region (though NGO estimates of the region's refugee population is higher), which include Iraqis, Afghans, Eritreans, Somalian, and Sudanese, among others. These populations often have little or no rights, including access to the labour market, to education or to free healthcare. Their precarious legal status puts them at risk of exploitation in the informal sector, while they often suffer from high levels of racism and discrimination from host communities. Refugees in the region often receive very little if any funding from UNHCR and other actors while resettlement is only an option for 10% of the world's refugees. When looking at individual states the chances of being resettled are actually much lower; in Egypt, for example, only 1% of the country's refugees can expect to be resettled. In light of the already existing lack of durable solutions for many refugees in these countries, it is crucial that donors and governments continue to uphold their commitments with regards to these populations. Those who are most vulnerable must continue to have the option of resettlement.